

## EXHIBIT 66

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1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL )  
5 PRESCRIPTION ) MDL No. 2804  
6 OPIATE LITIGATION )  
7 Case No.  
8 1:17-MD-2804  
9  
10 THIS DOCUMENT RELATES ) Hon. Dan A.  
11 TO ALL CASES ) Polster

12 TUESDAY, JULY 31, 2018

13 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
14 CONFIDENTIALITY REVIEW

15 - - -

16 Videotaped deposition of Nathan J.  
17 Hartle, held at the offices of Covington &  
18 Burlington, LLP, One City Center, 850 Tenth  
19 Street Northwest, Washington, DC, commencing  
20 at 9:04 a.m., on the above date, before  
21 Carrie A. Campbell, Registered Diplomate  
22 Reporter, Certified Realtime Reporter,  
23 Illinois, California & Texas Certified  
24 Shorthand Reporter, Missouri & Kansas  
25 Certified Court Reporter.

26 - - -

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29 deps@golkow.com

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Page 218

1 MS. HENN: Objection to form.  
 2 THE WITNESS: All I can tell  
 3 you is I -- what I've heard is that  
 4 it's the term that came from DEA.  
 5 QUESTIONS BY MR. FARRELL:  
 6 Q. On page 2, it identifies  
 7 several different topics: public health  
 8 issue, DEA focus, McKesson involvement,  
 9 current status, and Lifestyle Drug Monitoring  
 10 Program. So these will be our jeopardy  
 11 questions today.  
 12 Public health issues. Can you  
 13 read what the very -- on page 3, can you read  
 14 what the first item is?  
 15 A. "Abuse of prescription drugs  
 16 has risen 66 percent since 2000."  
 17 Q. So this is McKesson telling  
 18 McKesson employees that we're in the business  
 19 of selling opium pills, and abuse has risen  
 20 66 percent since 2000.  
 21 Does that not give you,  
 22 Mr. McKesson Corporation, pause to think  
 23 about whether or not your role in the chain  
 24 of distribution is contributing to the abuse?  
 25 MS. HENN: Objection to form.

Page 219

1 THE WITNESS: Can you ask that  
 2 again, please?  
 3 QUESTIONS BY MR. FARRELL:  
 4 Q. This is McKesson telling  
 5 McKesson employees that abuse of prescription  
 6 drugs has risen 66 percent since the year  
 7 2000.  
 8 Does that not give you,  
 9 Mr. McKesson Corporation, pause to think  
 10 about whether or not your role in the chain  
 11 of distribution is contributing to such  
 12 abuse?  
 13 MS. HENN: Objection to form.  
 14 THE WITNESS: I think it's --  
 15 it should give everybody pause that  
 16 that was the trend that was going on,  
 17 and it's a piece of information shared  
 18 with leaders to inform them. So --  
 19 QUESTIONS BY MR. FARRELL:  
 20 Q. But not everybody is selling  
 21 opium pills; McKesson is.  
 22 MS. HENN: Counsel, can we just  
 23 make sure we let the witness finish  
 24 his answers?  
 25 MR. FARRELL: Sure. I was

Page 220

1 trying to make a snarky remark.  
 2 MS. HENN: Thank you.  
 3 QUESTIONS BY MR. FARRELL:  
 4 Q. Not everyone is engaged in the  
 5 chain of distribution of opium pills, though?  
 6 MS. HENN: Objection to form.  
 7 THE WITNESS: Agree.  
 8 QUESTIONS BY MR. FARRELL:  
 9 Q. So I'm asking you, McKesson  
 10 Corporation, whether or not you have any  
 11 regrets about selling so many opium pills.  
 12 MS. HENN: Objection to form.  
 13 Outside the scope.  
 14 THE WITNESS: Back to your  
 15 question about this, I would -- sure  
 16 that gives you pause, I mean, to  
 17 understand that there's an epidemic  
 18 out there. And clearly there's many  
 19 players involved in the flow of  
 20 distribution.  
 21 QUESTIONS BY MR. FARRELL:  
 22 Q. As of 2007, McKesson is  
 23 recognizing that opioid painkillers kill more  
 24 than cocaine and heroin combined, agreed?  
 25 MS. HENN: Objection to form.

Page 221

1 THE WITNESS: Agree.  
 2 QUESTIONS BY MR. FARRELL:  
 3 Q. And these are McKesson's words.  
 4 Where is McKesson getting this  
 5 data from?  
 6 MS. HENN: Objection to form.  
 7 Outside the scope.  
 8 THE WITNESS: I don't know  
 9 specifically where they -- their  
 10 source of data for that particular  
 11 line, but information from different  
 12 sources. Could be DEA, could be CDC,  
 13 it could be wherever.  
 14 QUESTIONS BY MR. FARRELL:  
 15 Q. It says here, "Rogue Internet  
 16 pharmacies distributing oxycodone,  
 17 hydrocodone, phentermine and alprazolam," yet  
 18 McKesson was selling to rogue Internet  
 19 pharmacies, true?  
 20 MS. HENN: Objection to form.  
 21 Outside the scope.  
 22 THE WITNESS: Can you ask that  
 23 again, please?  
 24 QUESTIONS BY MR. FARRELL:  
 25 Q. McKesson is noting that rogue

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<p style="text-align: right;">Page 222</p> <p>1 Internet pharmacies are selling oxycodone and 2 hydrocodone, yet what's missing from this 3 slide is the fact that McKesson was supplying 4 the pills to the rogue Internet pharmacies. 5 MS. HENN: Objection to form. 6 THE WITNESS: And what's your 7 specific question again? 8 QUESTIONS BY MR. FARRELL: 9 Q. What gives? 10 MS. HENN: Objection to form. 11 THE WITNESS: I don't know what 12 type of response a "what gives" 13 question is. 14 QUESTIONS BY MR. FARRELL: 15 Q. Yeah. You're noting that 16 people are dying, and part of the reason is 17 that rogue Internet pharmacies are out there. 18 Yet McKesson, during this time frame, is 19 selling to some of those very same Internet 20 pharmacies, and that's what the DEA fined you 21 for. 22 So is this ignorance of who 23 you're selling to? Is this repackaging, 24 reframing the issue? Or is it just flat out 25 a misrepresentation?</p>	<p style="text-align: right;">Page 224</p> <p>1 QUESTIONS BY MR. FARRELL: 2 Q. You understand that to be true? 3 A. -- I understand that to be 4 true. 5 Q. So McKesson Corporation admits 6 it was selling oxycodone and hydrocodone to 7 rogue Internet pharmacies in and around 2007? 8 MS. HENN: Objection to form. 9 Outside the scope. 10 THE WITNESS: Again, I don't 11 know the specific examples and -- 12 QUESTIONS BY MR. FARRELL: 13 Q. I'm not asking for specific 14 examples. 15 A. Right. 16 Q. I'm asking you to confirm that 17 in 2007, McKesson Corporation was selling 18 oxycodone and hydrocodone to rogue Internet 19 pharmacies. 20 MS. HENN: Objection to form. 21 And, Counsel, I'll just ask you 22 to let him finish his answers so that 23 he can get his answers out. 24 MR. FARRELL: Yes, ma'am. 25 THE WITNESS: Again, I don't</p>
<p style="text-align: right;">Page 223</p> <p>1 MS. HENN: Objection to form. 2 Outside the scope. 3 THE WITNESS: This is raising 4 awareness in -- about the issues that 5 are the public health issues, 6 communicating with leaders and sharing 7 the -- where McKesson is enhancing the 8 program. 9 QUESTIONS BY MR. FARRELL: 10 Q. But you understand that the 11 rogue Internet pharmacies were getting their 12 pills from, among other people, McKesson, 13 agreed? 14 A. I understand. 15 MS. HENN: Objection to form. 16 QUESTIONS BY MR. FARRELL: 17 Q. Agreed? 18 A. I understand. Agreed. 19 Q. I'm asking if you understand. 20 I want you to confirm that the rogue Internet 21 pharmacies were in fact getting some of their 22 pills from McKesson. 23 MS. HENN: Objection to form. 24 THE WITNESS: I don't have 25 specific details on that, but --</p>	<p style="text-align: right;">Page 225</p> <p>1 have the specific examples. I believe 2 that to be true, but I don't know the 3 specific details. 4 QUESTIONS BY MR. FARRELL: 5 Q. The next page, page 4, 6 "Internet pharmacies." It says, 7 "Investigative work hours have doubled." 8 Do you know what it doubled 9 from or to? 10 A. I do not. 11 Q. "Cutting supply critical to 12 success." 13 What does that mean? 14 A. I don't know. I don't know 15 what the speaking points or -- it's one 16 bullet. I'm not sure how it was represented 17 or communicated. 18 Q. Do you know what price 19 diversion is? 20 A. Not specifically. 21 Q. Was McKesson at this time 22 considering that some of the Internet 23 pharmacies were competing with McKesson for 24 business? 25 MS. HENN: Objection to form.</p>

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<p style="text-align: right;">Page 226</p> <p>1 THE WITNESS: I do not know.  2 Pricing is not my area.  3 QUESTIONS BY MR. FARRELL:  4 Q. Okay. It says, "Wholesalers.  5 DEA expects that you know your customers."  6 What does that mean? It's in  7 quotations.  8 A. Right.  9 MS. HENN: Objection to form.  10 MR. FARRELL: Well, it is in  11 quotations, isn't it?  12 MS. HENN: I was objecting to  13 asking what DEA means when they said  14 "know your customers." That was what  15 was my objection.  16 QUESTIONS BY MR. FARRELL:  17 Q. So McKesson is writing a slide  18 following a meeting with the DEA, reporting  19 to the DEA employees what the DEA's focus  20 was, and what McKesson is reporting is that  21 the DEA expects you to know your customers.  22 Is that fair?  23 A. That's fair.  24 Q. And when we do, quote, "know  25 our customers," end quote, that's a tag line</p>	<p style="text-align: right;">Page 228</p> <p>1 Go ahead.  2 THE WITNESS: That's what  3 the -- that's what the DEA expects, I  4 guess, yeah.  5 QUESTIONS BY MR. FARRELL:  6 Q. Does McKesson acknowledge that  7 it is accountable for controlling the  8 quantities of opium pills shipped to American  9 pharmacies?  10 A. We're accountable as a  11 distributor.  12 Q. The next thing says, "5,000  13 dose units is average."  14 The average American pharmacy  15 in 2007, as reported by the DEA to McKesson,  16 was that 5,000 doses of oxycodone or 5,000  17 doses of hydrocodone was average.  18 A. That's what the DEA -- DEA  19 calculations.  20 Q. And McKesson at least validated  21 that number by repeating it on a slide to the  22 national operations conference in 2007.  23 MS. HENN: Objection to form.  24 QUESTIONS BY MR. FARRELL:  25 Q. Agreed?</p>
<p style="text-align: right;">Page 227</p> <p>1 for distributors with regard to knowing the  2 customers you're selling opium pills to?  3 MS. HENN: Objection to form.  4 THE WITNESS: That is a DEA tag  5 line.  6 QUESTIONS BY MR. FARRELL:  7 Q. And then the next sentence, can  8 you read it out loud, please?  9 A. The next bullet?  10 Q. Yes.  11 A. "Wholesalers accountable for  12 controlling quantities shipped."  13 Q. Is that true or not true?  14 MS. HENN: Objection to form.  15 THE WITNESS: Can you add a  16 little more context to your question?  17 I know it's a true/false question,  18 but --  19 QUESTIONS BY MR. FARRELL:  20 Q. Yes.  21 The DEA expects the wholesalers  22 to be accountable for controlling quantities  23 that they ship.  24 Is that fair or unfair?  25 MS. HENN: Objection to form.</p>	<p style="text-align: right;">Page 229</p> <p>1 A. I wouldn't say that they  2 validated. We just repeated what was shared.  3 Q. Did McKesson undertake any  4 investigation to determine what the average  5 was itself?  6 A. I believe they did. I can't  7 speak to the examples, but we've used  8 analysts and reviewed data when developing  9 thresholds and...  10 Q. Does McKesson acknowledge that  11 in 2007 5,000 dose units was average in the  12 United States of America?  13 MS. HENN: Objection to form.  14 Outside the scope.  15 THE WITNESS: We acknowledge  16 that's what the DEA shared. I mean,  17 there's many ways to get averages.  18 QUESTIONS BY MR. FARRELL:  19 Q. Sitting here today, does  20 McKesson Corporation have any reason to  21 disagree or dispute the DEA's estimation of  22 what the average dose unit was?  23 MS. HENN: Objection to form.  24 Outside the scope.  25 THE WITNESS: What I would</p>





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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 QUESTIONS BY MR. FARRELL:

13 Q. As of April of 2007, which we  
14 believe to be the date of this conference,  
15 have you seen any documentation anywhere in  
16 the records of McKesson Corporation that  
17 indicate that any message from the DEA to  
18 date had been unclear?

19 MS. HENN: Objection to form.  
20 Outside the scope.

21 THE WITNESS: Have I seen  
22 formal documentation where somebody  
23 said DEA was unclear?

24 QUESTIONS BY MR. FARRELL:

25 Q. That was my question, yes.

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1           A.       I have not seen any of that  
2   documentation.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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...the ...

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1. The first step in the process of identifying a problem is to recognize that a problem exists. This involves gathering information about the situation and identifying the specific issue that needs to be addressed.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

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*[The following text is a transcription of the handwritten notes from the page, which are mostly illegible due to blurring and bleed-through.]*

[illegible][illegible]

1. The first step in the process is to identify the problem. This involves gathering information about the situation and determining what needs to be solved. 2. The second step is to develop a plan. This involves deciding on the best way to solve the problem and setting goals for the solution. 3. The third step is to implement the plan. This involves putting the plan into action and making any necessary adjustments. 4. The fourth step is to evaluate the results. This involves checking to see if the solution has worked and if the goals have been met. 5. The fifth step is to reflect on the process. This involves thinking about what was learned from the experience and how it can be used in the future.

*[The following text is extremely faint and largely illegible due to low contrast and noise. It appears to be a continuation of the discussion or a separate section.]*

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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13 (McKesson-Hartle Exhibit 19  
14 marked for identification.)  
15 QUESTIONS BY MR. FARRELL:  
16 Q. We'll mark as 19, top  
17 right-hand corner is 2007\_5\_15, Bates-stamped  
18 MCKMDL00337303.  
19 Is this, in fact, the Lifestyle  
20 Drug Monitoring Program at McKesson?  
21 A. Yes.  
22 Q. Do you recognize this document  
23 as a true and authentic version of the  
24 Lifestyle Drug Monitoring Program?  
25 A. I do.



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1 Q. And is it a document kept in  
2 the regular course of business and produced  
3 by your lawyers in this litigation?

4 MS. HENN: Objection to form.

5 THE WITNESS: Yeah.

6 QUESTIONS BY MR. FARRELL:

[illegible]

\_\_\_\_\_

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

... ..

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...the ...

**Figure 1**

...the ...

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

18 (McKesson-Hartle Exhibit 20

19 marked for identification.)

20 QUESTIONS BY MR. FARRELL:

21 Q. Exhibit 20, top right-hand  
22 corner, 2007\_06\_12, Bates-stamped  
23 MCKMDL00355527.

24 I'll represent to you again,  
25 this was produced by your counsel in this

Page 239

Page 240



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<p style="text-align: right;">Page 270</p> <p>1 MS. HENN: Objection to form.</p> <p>2 THE WITNESS: I would say that</p> <p>3 there -- that, you know, the volume</p> <p>4 of -- the more pills you have, there</p> <p>5 could be, could be more to diversion.</p> <p>6 It doesn't mean that there is. Or I</p> <p>7 would foresee that just an increase in</p> <p>8 volume is going to increase diversion.</p> <p>9 There could be.</p> <p>10 QUESTIONS BY MR. FARRELL:</p> <p>11 Q. The more pills that are</p> <p>12 diverted -- let me ask you a different way.</p> <p>13 A. Okay.</p> <p>14 Q. Does McKesson believe that the</p> <p>15 more pills that get diverted, the more pills</p> <p>16 get abused?</p> <p>17 MS. HENN: Objection to form.</p> <p>18 Outside the scope.</p> <p>19 THE WITNESS: Sorry, could you</p> <p>20 rephrase that one again? Let me --</p> <p>21 QUESTIONS BY MR. FARRELL:</p> <p>22 Q. As McKesson Corporation, do you</p> <p>23 acknowledge that the more pills that get</p> <p>24 diverted, the more pills get abused?</p> <p>25 MS. HENN: Same objections.</p>	<p style="text-align: right;">Page 272</p> <p>1 Do you know what an amicus</p> <p>2 brief is?</p> <p>3 A. I do not. I do not have legal</p> <p>4 background.</p> <p>5 Q. Okay. McKesson Corporation is</p> <p>6 a member of the Healthcare Distributors and</p> <p>7 Manufacturers Association, now known as the</p> <p>8 Healthcare Distributors Association, agreed?</p> <p>9 A. Healthcare Distributors</p> <p>10 Management Association?</p> <p>11 Q. Management, I'm sorry, yes.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And on May 9, 2012,</p> <p>14 Cardinal Health had gotten itself into a</p> <p>15 little trouble with the DEA, hadn't it?</p> <p>16 MS. HENN: Objection to form.</p> <p>17 THE WITNESS: I'm aware of that</p> <p>18 time frame and...</p> <p>19 QUESTIONS BY MR. FARRELL:</p> <p>20 Q. They got in trouble with the</p> <p>21 DEA, very similar to how McKesson got in</p> <p>22 trouble with the DEA in 2008, agreed?</p> <p>23 MS. HENN: Objection to form.</p> <p>24 THE WITNESS: I haven't</p> <p>25 reviewed this document or all the</p>
<p style="text-align: right;">Page 271</p> <p>1 THE WITNESS: Again, I'd say</p> <p>2 what I said previously: It could --</p> <p>3 that could be a possibility. It</p> <p>4 depends, but...</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6 Q. Are people diverting pills to</p> <p>7 engage in lawful conduct?</p> <p>8 MS. HENN: Objection to form.</p> <p>9 THE WITNESS: I don't know why</p> <p>10 everybody is diverting pills every</p> <p>11 single time, but generally, no.</p> <p>12 QUESTIONS BY MR. FARRELL:</p> <p>13 Q. Right.</p> <p>14 So in general, the more pills</p> <p>15 that gets diverted, the more abuse and</p> <p>16 addiction we find with prescription opium</p> <p>17 pills?</p> <p>18 A. There's that possibility.</p> <p>19 (McKesson-Hartle Exhibit 27</p> <p>20 marked for identification.)</p> <p>21 QUESTIONS BY MR. FARRELL:</p> <p>22 Q. I'm going to have marked what</p> <p>23 is Deposition Exhibit 27. The top right-hand</p> <p>24 corner is 2012_5_9.</p> <p>25 This is an amicus brief.</p>	<p style="text-align: right;">Page 273</p> <p>1 details, but in spirit, in general.</p> <p>2 QUESTIONS BY MR. FARRELL:</p> <p>3 Q. So in -- on May 9th of 2012,</p> <p>4 HDMA, the Healthcare Distribution Management</p> <p>5 Association, wrote a brief to a federal court</p> <p>6 here in Washington, DC, in support of</p> <p>7 Cardinal Health and against the DEA.</p> <p>8 Was McKesson Corporation aware</p> <p>9 of this amicus brief?</p> <p>10 MS. HENN: Objection to form.</p> <p>11 Outside the scope.</p> <p>12 MR. FARRELL: It's actually</p> <p>13 not. It's actually referenced</p> <p>14 directly in the notice.</p> <p>15 MS. HENN: I'm not sure that's</p> <p>16 the case, but we can disagree about</p> <p>17 that.</p> <p>18 THE WITNESS: I don't know for</p> <p>19 100 percent certain, but I assume so.</p> <p>20 QUESTIONS BY MR. FARRELL:</p> <p>21 Q. Well, I don't want you to</p> <p>22 guess. This is relatively important.</p> <p>23 Have you seen any</p> <p>24 acknowledgement within McKesson Corporation</p> <p>25 validating or affirming or reviewing or</p>



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<p style="text-align: right;">Page 274</p> <p>1 participating in this amicus brief?</p> <p>2 A. I have not.</p> <p>3 Q. Are you aware of McKesson being</p> <p>4 involved at all in the amicus briefs?</p> <p>5 MS. HENN: Objection to form.</p> <p>6 THE WITNESS: I'm not.</p> <p>7 (McKesson-Hartle Exhibit 28</p> <p>8 marked for identification.)</p> <p>9 QUESTIONS BY MR. FARRELL:</p> <p>10 Q. I'm going to have marked</p> <p>11 Exhibit 28, 2012_05_05.</p> <p>12 Are you aware of the Wayback</p> <p>13 Machine?</p> <p>14 A. Excuse me?</p> <p>15 Q. Are you aware of the Wayback</p> <p>16 Machine?</p> <p>17 A. I am not.</p> <p>18 Q. The Wayback Machine is an</p> <p>19 Internet service that's free, and what it</p> <p>20 does is it's able to go and bring up old</p> <p>21 websites based on dates and time.</p> <p>22 And it just so happens that the</p> <p>23 Wayback Machine captured the HDMA website in</p> <p>24 May of 2012. This comes from the HDMA</p> <p>25 website, and this is a list of the board of</p>	<p style="text-align: right;">Page 276</p> <p>1 couple of questions about it.</p> <p>2 A. Okay.</p> <p>3 Q. If you flip to page 3...</p> <p>4 A. Of the brief?</p> <p>5 Q. Of the brief.</p> <p>6 The very bottom of the page --</p> <p>7 MS. HENN: Are you talking</p> <p>8 about the Bates numbers or the --</p> <p>9 MR. FARRELL: Yeah, the Bates</p> <p>10 number.</p> <p>11 MS. HENN: Thank you.</p> <p>12 QUESTIONS BY MR. FARRELL:</p> <p>13 Q. It says, "HDMA's members have</p> <p>14 not only statutory and regulatory</p> <p>15 responsibilities to detect and prevent</p> <p>16 diversion of controlled prescription drugs,</p> <p>17 but undertake such efforts as responsible</p> <p>18 members of society."</p> <p>19 Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Do you recognize this as an</p> <p>22 acknowledgement that all of the distributors</p> <p>23 in the country have a common law duty to the</p> <p>24 people of the United States of America to</p> <p>25 prevent diversion of controlled substances</p>
<p style="text-align: right;">Page 275</p> <p>1 directors.</p> <p>2 Now, what's an executive</p> <p>3 committee on a board of directors?</p> <p>4 MS. HENN: Objection to form.</p> <p>5 Outside the scope.</p> <p>6 THE WITNESS: That's the senior</p> <p>7 leaders driving this group.</p> <p>8 QUESTIONS BY MR. FARRELL:</p> <p>9 Q. And, Mr. McKesson Corporation,</p> <p>10 you were on the executive committee of HDMA</p> <p>11 of 2012, were you not?</p> <p>12 MS. HENN: Objection to form.</p> <p>13 Outside the scope.</p> <p>14 THE WITNESS: One of our senior</p> <p>15 leaders is.</p> <p>16 QUESTIONS BY MR. FARRELL:</p> <p>17 Q. You're in the senior leadership</p> <p>18 of HDMA, and you signed off on an amicus</p> <p>19 brief submitted to a federal court in</p> <p>20 Washington, DC, in support of one of your</p> <p>21 colleagues and members, Cardinal Health.</p> <p>22 MS. HENN: Objection to form.</p> <p>23 Outside the scope.</p> <p>24 QUESTIONS BY MR. FARRELL:</p> <p>25 Q. So I'm going to ask you a</p>	<p style="text-align: right;">Page 277</p> <p>1 because you're selling controlled substances?</p> <p>2 MR. SUDDATH: Objection.</p> <p>3 MS. HENN: Objection to form.</p> <p>4 Outside the scope.</p> <p>5 THE WITNESS: Okay. Could you</p> <p>6 ask me that again?</p> <p>7 QUESTIONS BY MR. FARRELL:</p> <p>8 Q. Do you recognize this as an</p> <p>9 acknowledgement that all of the distributors</p> <p>10 in the country have a common law duty to the</p> <p>11 American citizens to prevent controlled</p> <p>12 substances from being diverted into the</p> <p>13 illicit market?</p> <p>14 MR. SUDDATH: Objection.</p> <p>15 MS. HENN: Objection to form.</p> <p>16 Outside the scope.</p> <p>17 QUESTIONS BY MR. FARRELL:</p> <p>18 Q. I mean, isn't this what we</p> <p>19 talked about earlier?</p> <p>20 A. I do.</p> <p>21 Q. You do, don't you? Yes?</p> <p>22 A. Yes.</p> <p>23 Q. Because it's not just</p> <p>24 statutory, regulatory. You're engaged in</p> <p>25 selling opium pills. You owe a duty to the</p>

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<p style="text-align: right;">Page 278</p> <p>1 American people to do your very best to 2 prevent diversion. 3 MS. HENN: Objection to form. 4 Outside the scope. 5 QUESTIONS BY MR. FARRELL: 6 Q. Agreed? 7 A. Agreed. 8 Q. And this is your trade 9 organization making the same representation 10 to a federal court in Washington, DC? 11 MS. HENN: Same objections. 12 Objection to form. Outside the scope. 13 THE WITNESS: Yes. 14 QUESTIONS BY MR. FARRELL: 15 Q. Next sentence: "The public 16 health dangers associated with the diversion 17 and abuse of controlled prescription drugs 18 have been well-recognized over the years by 19 Congress, DEA, HDMA and its members, and 20 public health authorities." 21 Is that all true? 22 MS. HENN: Objection to form. 23 Outside the scope. 24 THE WITNESS: Yes. 25</p>	<p style="text-align: right;">Page 280</p> <p>1 THE WITNESS: Oh, excuse me. 2 I also remember saying that 3 certain parts of those regulations 4 related to what a suspicious order is 5 is not clear. 6 QUESTIONS BY MR. FARRELL: 7 Q. Page 7. "The societal costs of 8 prescription drug abuse are" -- what's it 9 say? 10 A. I flipped to the wrong page. 11 Excuse me. 12 "Huge." 13 Q. And if a distributor engages in 14 unlawful conduct, should the distributor be 15 held accountable for such societal costs? 16 MS. HENN: Objection to form. 17 Outside the scope. 18 THE WITNESS: Can you repeat 19 that, please? 20 QUESTIONS BY MR. FARRELL: 21 Q. If a wholesale distributor 22 engages in unlawful conduct, should it be 23 held accountable for the societal costs of 24 prescription drug abuse? 25 MR. SUDDATH: Objection.</p>
<p style="text-align: right;">Page 279</p> <p>1 QUESTIONS BY MR. FARRELL: 2 Q. The next sentence. This is the 3 part that I'd like to talk to you about, the 4 highlighted part. "The agency," meaning DEA, 5 "has failed to provide meaningful guidance to 6 assist the regulated industry in complying 7 with the DEA's interpretation of its 8 implementing regulations. HDMA respectfully 9 submits that despite the agency's oft-recited 10 refrain that the regulations are clear, the 11 regulated industry does not know the rules of 12 the road because DEA has not adequately 13 explained them." 14 McKesson has said the opposite 15 publicly and to its own people, agreed? 16 MS. HENN: Object to form. 17 QUESTIONS BY MR. FARRELL: 18 Q. Remember the slide that said 19 clear? Remember your testimony about the 20 letters and the settlement agreement? You 21 said a few minutes ago it was clear. 22 A. I do remember all of that. I 23 also -- 24 MS. HENN: Object to form. 25 Go ahead.</p>	<p style="text-align: right;">Page 281</p> <p>1 MS. HENN: Same objections. 2 THE WITNESS: I believe 3 distributors have a responsibility in 4 preventing diversion. 5 QUESTIONS BY MR. FARRELL: 6 Q. So should they be held 7 accountable for the societal costs that are 8 documented in this pleading and referenced as 9 huge? 10 A. I think it depends. 11 MS. HENN: Objection to form. 12 QUESTIONS BY MR. FARRELL: 13 Q. Depends on what? 14 MS. HENN: Same objection. 15 Go ahead. 16 THE WITNESS: It depends on the 17 facts and circumstances and, you know, 18 the information about the specific 19 situation. 20 QUESTIONS BY MR. FARRELL: 21 Q. If a distributor repeatedly 22 fails to report suspicious orders, do you 23 believe it should be held accountable for the 24 societal costs of prescription drug abuse? 25 MR. SUDDATH: Objection.</p>

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<p style="text-align: right;">Page 282</p> <p>1 MS. HENN: Objection to form.</p> <p>2 THE WITNESS: And I believe it</p> <p>3 depends.</p> <p>4 QUESTIONS BY MR. FARRELL:</p> <p>5 Q. On?</p> <p>6 A. The facts and circumstances.</p> <p>7 Q. How about the facts and</p> <p>8 circumstances which led to McKesson paying</p> <p>9 \$150 million fine?</p> <p>10 MS. HENN: Objection to form.</p> <p>11 THE WITNESS: Again, I think it</p> <p>12 depends.</p> <p>13 QUESTIONS BY MR. FARRELL:</p> <p>14 Q. Do you think McKesson is partly</p> <p>15 responsible for the societal costs of</p> <p>16 prescription drug abuse in America?</p> <p>17 MS. HENN: Objection to form.</p> <p>18 THE WITNESS: Could you ask</p> <p>19 that one again, please?</p> <p>20 QUESTIONS BY MR. FARRELL:</p> <p>21 Q. Do you think McKesson is partly</p> <p>22 responsible for the societal costs of</p> <p>23 prescription drug abuse in America?</p> <p>24 MS. HENN: Objection to form.</p> <p>25 THE WITNESS: Again, there's a</p>	<p style="text-align: right;">Page 284</p> <p>1 have the opportunity to look in the camera</p> <p>2 and tell the jury whether or not you accept</p> <p>3 partial responsibility for the societal costs</p> <p>4 of prescription drug abuse in America.</p> <p>5 MS. HENN: Objection to form.</p> <p>6 Outside the scope.</p> <p>7 QUESTIONS BY MR. FARRELL:</p> <p>8 Q. I'd ask you to answer yes or</p> <p>9 no.</p> <p>10 MS. HENN: Same objections.</p> <p>11 THE WITNESS: I'm not sure how</p> <p>12 to answer that -- that question</p> <p>13 specifically.</p> <p>14 QUESTIONS BY MR. FARRELL:</p> <p>15 Q. Well, you can say yes or --</p> <p>16 A. I understand that.</p> <p>17 Q. -- you can say no.</p> <p>18 A. I understand that.</p> <p>19 MS. HENN: Objection to form.</p> <p>20 QUESTIONS BY MR. FARRELL:</p> <p>21 Q. If I asked you the same</p> <p>22 question in your personal capacity, would</p> <p>23 that help you answer the question better?</p> <p>24 MS. HENN: Same objection.</p> <p>25 Objection to form.</p>
<p style="text-align: right;">Page 283</p> <p>1 lot of people involved in -- it's a</p> <p>2 very complicated and multi-faceted</p> <p>3 issue, so...</p> <p>4 QUESTIONS BY MR. FARRELL:</p> <p>5 Q. We'll get to the other people</p> <p>6 in a second.</p> <p>7 MS. HENN: Are you done with</p> <p>8 your answer?</p> <p>9 THE WITNESS: I am done.</p> <p>10 MS. HENN: Okay.</p> <p>11 QUESTIONS BY MR. FARRELL:</p> <p>12 Q. We'll get to the others in a</p> <p>13 second. I want to talk about McKesson first.</p> <p>14 This is your opportunity to</p> <p>15 accept partial responsibility for the</p> <p>16 societal costs of prescription drug abuse in</p> <p>17 America; yes or no?</p> <p>18 MS. HENN: Objection to form.</p> <p>19 Also outside the scope.</p> <p>20 THE WITNESS: So again, it</p> <p>21 depends on -- it depends.</p> <p>22 QUESTIONS BY MR. FARRELL:</p> <p>23 Q. You're McKesson Corporation.</p> <p>24 A. Right.</p> <p>25 Q. You're sitting here today. You</p>	<p style="text-align: right;">Page 285</p> <p>1 THE WITNESS: Again, it</p> <p>2 depends -- I would say it doesn't</p> <p>3 change my answer. It depends on the</p> <p>4 role that they played.</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6 Q. Well, back to McKesson</p> <p>7 Corporation, which is you sitting in the</p> <p>8 chair today. Knowing what you know as the</p> <p>9 30(b)(6) representative, the corporate</p> <p>10 designee, knowing about your past conduct,</p> <p>11 knowing about the past interactions with the</p> <p>12 DEA, I'm going to ask you again: Does</p> <p>13 McKesson Corporation accept partial</p> <p>14 responsibility for the societal costs of</p> <p>15 prescription drug abuse in America?</p> <p>16 MS. HENN: Objection to form.</p> <p>17 THE WITNESS: Again, you know,</p> <p>18 I -- we're part of the closed system,</p> <p>19 so we're responsible for preventing</p> <p>20 diversion.</p> <p>21 QUESTIONS BY MR. FARRELL:</p> <p>22 Q. So the answer is?</p> <p>23 MS. HENN: Objection to form.</p> <p>24 THE WITNESS: Again, I think</p> <p>25 we're responsible for something. I</p>

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<p style="text-align: right;">Page 286</p> <p>1 don't know what -- how you define all</p> <p>2 societal costs and -- I still believe</p> <p>3 it depends on different circumstances.</p> <p>4 QUESTIONS BY MR. FARRELL:</p> <p>5 Q. Sir, we're not going to parse</p> <p>6 out percentages.</p> <p>7 A. Yeah.</p> <p>8 Q. Let's just talk globally for</p> <p>9 McKesson Corporation. So I don't want to put</p> <p>10 words in your mouth because it's got to come</p> <p>11 out of your mouth. So the answer is yes or</p> <p>12 no.</p> <p>13 MS. HENN: Objection to form.</p> <p>14 THE WITNESS: I would say yes,</p> <p>15 partially.</p> <p>16 QUESTIONS BY MR. FARRELL:</p> <p>17 Q. How about Purdue Pharma? Does</p> <p>18 McKesson Corporation take the position that</p> <p>19 Purdue Pharma is partially responsible for</p> <p>20 the societal costs of prescription drug abuse</p> <p>21 in America?</p> <p>22 MS. HENN: Objection to form.</p> <p>23 Outside the scope.</p> <p>24 THE WITNESS: I'm not going to</p> <p>25 answer for other companies. I'm --</p>	<p style="text-align: right;">Page 288</p> <p>1 A. I have not.</p> <p>2 Q. Do you know who Gary Boggs is?</p> <p>3 A. I do know Gary.</p> <p>4 Q. I'll represent to you that on</p> <p>5 the metadata that was provided by the --</p> <p>6 McKesson, indicates that this presentation is</p> <p>7 dated in late 2012 -- wait, late 2013, I</p> <p>8 think, probably before Gary Boggs came on to</p> <p>9 McKesson. We'll ask him when we depose him.</p> <p>10 But anyway, this is a McKesson</p> <p>11 spreadsheet from Gary Boggs. Gary Boggs is</p> <p>12 former DEA.</p> <p>13 A. PowerPoint, not spreadsheet.</p> <p>14 Q. Yeah, I'm sorry.</p> <p>15 A. Okay.</p> <p>16 Q. He's former DEA, correct?</p> <p>17 A. Correct.</p> <p>18 Q. He was the number 2 man on Joe</p> <p>19 Rannazzisi, yes?</p> <p>20 A. Yes.</p> <p>21 Q. And as we'll see later, he was</p> <p>22 actually in the room for one of the</p> <p>23 presentations when DEA was negotiating with</p> <p>24 McKesson on the 2008 settlement.</p> <p>25 Is that your memory as a</p>
<p style="text-align: right;">Page 287</p> <p>1 it's like I answered my question:</p> <p>2 Those involved in this space,</p> <p>3 depending on the facts and</p> <p>4 circumstances, may be. So, yes.</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6 Q. Flip to page 8, the last</p> <p>7 paragraph. Your trade organization is saying</p> <p>8 that the "DEA's goal, the prevention of</p> <p>9 diversion of controlled prescription drugs,</p> <p>10 is, of course, a public good."</p> <p>11 Does McKesson validate,</p> <p>12 acknowledge and affirm that statement?</p> <p>13 MS. HENN: Objection to form.</p> <p>14 THE WITNESS: Absolutely. The</p> <p>15 prevention of the diversion of</p> <p>16 controlled substances is good for the</p> <p>17 public.</p> <p>18 (McKesson-Hartle Exhibit 29</p> <p>19 marked for identification.)</p> <p>20 QUESTIONS BY MR. FARRELL:</p> <p>21 Q. Next exhibit I'm going to have</p> <p>22 marked is Exhibit 29. It's Exhibit</p> <p>23 2013_09_13. It's Bates stamp</p> <p>24 MCK-AGMS-006000880.</p> <p>25 Have you seen this document?</p>	<p style="text-align: right;">Page 289</p> <p>1 corporate entity?</p> <p>2 MS. HENN: Objection to form.</p> <p>3 THE WITNESS: I wasn't aware</p> <p>4 that he was specifically in the room,</p> <p>5 but...</p> <p>6 QUESTIONS BY MR. FARRELL:</p> <p>7 Q. The title of this PowerPoint</p> <p>8 slide is what?</p> <p>9 A. Oh, "State of prescription drug</p> <p>10 abuse."</p> <p>11 Q. And on the second page, talks</p> <p>12 about the impact of effective compliance.</p> <p>13 And it uses lots of America-related stuff,</p> <p>14 eagles and flags and such.</p> <p>15 Do you see that?</p> <p>16 A. I do see that.</p> <p>17 Q. "Protecting America from</p> <p>18 Prescription Drug Diversion."</p> <p>19 The next page is a history of</p> <p>20 understanding the problem, and on page 4 it</p> <p>21 talks about a collision course.</p> <p>22 And presumably this is two</p> <p>23 planes colliding in the air, and that's</p> <p>24 OxyContin and Percocet.</p> <p>25 Do you see that?</p>

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Page 290

1 MS. HENN: Objection to form.  
 2 THE WITNESS: I see that.  
 3 QUESTIONS BY MR. FARRELL:  
 4 Q. "In the late 1990s, doctors  
 5 aggressively prescribing painkillers - a  
 6 radical change in health care behavior."  
 7 And that radical change in  
 8 health care behavior did what to the number  
 9 of prescriptions?  
 10 MS. HENN: Objection to form.  
 11 THE WITNESS: Increased them.  
 12 QUESTIONS BY MR. FARRELL:  
 13 Q. Which resulted in an increase  
 14 or decrease in the number of pills McKesson  
 15 sold?  
 16 A. I don't know exact numbers, but  
 17 it increased.  
 18 Q. And then the last part,  
 19 "Manufacturers fueled the use of prescription  
 20 painkillers."  
 21 This is coming from your new  
 22 head of regulatory affairs at McKesson,  
 23 agreed?  
 24 MS. HENN: Objection to form.  
 25 THE WITNESS: Can you say that

Page 291

1 again?  
 2 QUESTIONS BY MR. FARRELL:  
 3 Q. Yeah.  
 4 A. He's not -- he wasn't the head  
 5 of regulatory affairs.  
 6 Q. Then, but he is now?  
 7 A. He's one of the leaders on the  
 8 regulatory affairs team.  
 9 Q. Okay. And this is his  
 10 statement that "Manufacturers fueled the use  
 11 of prescription painkillers."  
 12 Is that McKesson's position?  
 13 MS. HENN: Objection to form.  
 14 THE WITNESS: I don't know if  
 15 that's his own specific words or he  
 16 got that from a previous deck from  
 17 DEA. I'm not sure.  
 18 QUESTIONS BY MR. FARRELL:  
 19 Q. We'll have to ask him.  
 20 But I'm asking McKesson whether  
 21 or not it shares this view.  
 22 MS. HENN: Objection to form.  
 23 Outside the scope.  
 24 THE WITNESS: Manufacturers are  
 25 part of the closed system, like -- and

Page 292

1 played a role.  
 2 QUESTIONS BY MR. FARRELL:  
 3 Q. Does McKesson believe the  
 4 manufacturers fueled the use of prescription  
 5 painkillers?  
 6 MS. HENN: Objection to form.  
 7 Outside the scope.  
 8 THE WITNESS: I think they  
 9 played a role. I think there's many  
 10 reasons -- many things that fueled the  
 11 epidemic.  
 12 QUESTIONS BY MR. FARRELL:  
 13 Q. So would you rather just punt  
 14 on the question?  
 15 MS. HENN: Objection to form.  
 16 THE WITNESS: That's what I'm  
 17 going to share. That's my answer.  
 18 QUESTIONS BY MR. FARRELL:  
 19 Q. So yes or no, does McKesson  
 20 Corporation believe manufacturers fueled the  
 21 use of prescription painkillers?  
 22 MS. HENN: Objection to form.  
 23 Outside the scope.  
 24 THE WITNESS: Like I said,  
 25 my -- they're part of the system.

Page 293

1 They played a role.  
 2 QUESTIONS BY MR. FARRELL:  
 3 Q. So the answer is?  
 4 A. They played a role. I wouldn't  
 5 say -- I wouldn't characterize it as fueled.  
 6 I don't know that I would use that language.  
 7 Q. Fair enough.  
 8 The next page, 5 and 6,  
 9 document Purdue Pharma's \$635 million fine,  
 10 Cephalon's \$425 million fine.  
 11 Going to page 7, it's comparing  
 12 the US rates of opioid overdose deaths, sales  
 13 and treatment admissions.  
 14 Do you see that?  
 15 A. I see that.  
 16 Q. What is the correlation between  
 17 opioid sales and opioid deaths? Are they  
 18 related or unrelated?  
 19 MS. HENN: Objection to form.  
 20 THE WITNESS: They're both  
 21 increasing at a similar rate.  
 22 QUESTIONS BY MR. FARRELL:  
 23 Q. So that means they're related  
 24 or unrelated?  
 25 MS. HENN: Objection to form.



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1 THE WITNESS: They appear to be  
2 related.

3 QUESTIONS BY MR. FARRELL:

4 Q. Does McKesson believe that  
5 opioid sales are related to opioid deaths?

6 MS. HENN: Objection to form.  
7 Outside the scope.

8 THE WITNESS: Can you ask that  
9 one more time, please?

10 QUESTIONS BY MR. FARRELL:

11 Q. Does McKesson believe that  
12 opioid sales are related to opioid deaths?

13 MS. HENN: Objection to form.  
14 Outside the scope.

15 THE WITNESS: The volume of  
16 opioids in the market and diversion is  
17 related to opioid deaths, certainly.

18 QUESTIONS BY MR. FARRELL:

19 Q. Page 8, the Controlled  
20 Substances Act, the very last provision says,  
21 "Creates checks and balances between  
22 registrants to protect the public health and  
23 safety."

24 Again, this is again a  
25 reaffirmation from Gary Boggs, who is now one

1 of your senior regulatory affairs management,  
2 acknowledging that the registrants and the  
3 DEA have a duty to protect the public health  
4 and safety, agreed?

5 A. Agreed.

6 Q. Page 13. It says, "What can  
7 happen when these checks and balances  
8 collapse?"

9 What do you believe this is a  
10 picture of?

11 MS. HENN: Objection to form.

12 THE WITNESS: It's a building  
13 falling down.

14 QUESTIONS BY MR. FARRELL:

15 Q. A disaster?

16 A. It's a building that's falling  
17 down. Why it fell down could be a disaster.

18 Q. What do you infer from  
19 Mr. Boggs' implication?

20 A. That things can go wrong,  
21 something can happen.

22 Q. Page 16, pictures of pain  
23 clinics and people waiting in line to  
24 purchase pills sold by McKesson to  
25 pharmacies.

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1 MS. HENN: Objection to form.

2 MR. FARRELL: You're right.

3 That's not necessarily a picture of

4 McKesson.

5 QUESTIONS BY MR. FARRELL:

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 QUESTIONS BY MR. FARRELL:

13 Q. Page 17, historical comparison.

14 He's comparing the opioid crisis to the BP

15 oil spill where 11 people were killed and BP

16 paid 40 billion, plus 16 billion to the Clean

17 Water Act.

18 Have more or less than 11

19 people been killed by the opioid crisis?

20 A. Clearly more.

21 Q. Have more people died today

22 than 11 people?

23 MS. HENN: Objection to form.

24 THE WITNESS: Based on the

25 statistics, yes.

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1 QUESTIONS BY MR. FARRELL:

2 Q. Page 24. Does McKesson  
3 acknowledge and agree there is a national  
4 epidemic of prescription pill addiction,  
5 abuse, morbidity and mortality?

6 MS. HENN: Objection to form.

7 THE WITNESS: Absolutely.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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<p style="text-align: right;">Page 318</p> <p>1 So we have about an hour left;</p> <p>2 we've been going about -- almost six</p> <p>3 hours. So by agreement we've kept the</p> <p>4 deposition days to seven hours long,</p> <p>5 and I'll honor that.</p> <p>6 MS. HENN: More than by</p> <p>7 agreement. It's also ordered by the</p> <p>8 judge.</p> <p>9 MR. FARRELL: No question.</p> <p>10 MS. HENN: Just a slight</p> <p>11 clarification.</p> <p>12 MR. FARRELL: No question.</p> <p>13 Seven hours of answering questions is</p> <p>14 enough for anybody.</p> <p>15 MS. HENN: It is.</p> <p>16 MR. FARRELL: That being said,</p> <p>17 I know there's a burden on travel and</p> <p>18 arrangements; we have a tight</p> <p>19 schedule. So what I'm going to do is</p> <p>20 I'm going to finish up some topics,</p> <p>21 and I'm going to state for the record</p> <p>22 that I have not been able to get</p> <p>23 through all of the designated topics</p> <p>24 today.</p> <p>25 That being said, there are some</p>	<p style="text-align: right;">Page 320</p> <p>1 Obviously, it's going to be</p> <p>2 subject to the objection of your</p> <p>3 lawyers, and I just wanted to place</p> <p>4 that on the record.</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6 Q. Jumping in real quick, I'm not</p> <p>7 going to spend a whole lot of time on this; I</p> <p>8 have a very specific question.</p> <p>9 Before we get into the</p> <p>10 document, there's a reference in here about</p> <p>11 heroin, and I just wanted to see if I could</p> <p>12 cut to the chase with you.</p> <p>13 A. Okay.</p> <p>14 Q. As the McKesson corporate</p> <p>15 representative, do you acknowledge that abuse</p> <p>16 of prescription opium pills is a gateway to</p> <p>17 the initiation of heroin?</p> <p>18 MS. HENN: Objection to form.</p> <p>19 Outside the scope.</p> <p>20 THE WITNESS: Based on</p> <p>21 everything that I've read and in the</p> <p>22 media and statistics and discussion, I</p> <p>23 would agree -- agree to that.</p> <p>24 QUESTIONS BY MR. FARRELL:</p> <p>25 Q. If you abuse prescription</p>
<p style="text-align: right;">Page 319</p> <p>1 additional topics that you were not</p> <p>2 designated for. There's essentially</p> <p>3 two notices.</p> <p>4 So what we're -- what I'm going</p> <p>5 to do is recommend that I finish up</p> <p>6 the topics that I want to get to, and</p> <p>7 then tomorrow is your fact deposition.</p> <p>8 And what we'll do is work out with</p> <p>9 counsel if there are any of these</p> <p>10 questions that can be answered in</p> <p>11 writing to avoid you having to come</p> <p>12 back and testify on things that can be</p> <p>13 answered.</p> <p>14 And then in addition, there are</p> <p>15 records and there are -- there is</p> <p>16 transactional data historically and</p> <p>17 suspicious order report historically</p> <p>18 that have not been disclosed yet</p> <p>19 because of our tight schedules that</p> <p>20 I'll -- I will be going to ask --</p> <p>21 eventually to ask for some additional</p> <p>22 time from you to finish the stuff we</p> <p>23 didn't get to finish and to ask</p> <p>24 questions about documents that have</p> <p>25 not been disclosed yet.</p>	<p style="text-align: right;">Page 321</p> <p>1 opiates, the CDC says that you're 40 times</p> <p>2 more likely to initiate heroin use.</p> <p>3 Does McKesson acknowledge</p> <p>4 that -- that prescription opiate pill abuse</p> <p>5 is a driving factor in the heroin epidemic</p> <p>6 we're also experiencing?</p> <p>7 MS. HENN: Objection to form.</p> <p>8 Outside the scope.</p> <p>9 THE WITNESS: Yeah, it's a</p> <p>10 factor.</p> <p>11 QUESTIONS BY MR. FARRELL:</p> <p>12 Q. That was easy.</p> <p>13 A. Yeah.</p> <p>14 Q. All right. Back to this amicus</p> <p>15 business.</p> <p>16 (McKesson-Hartle Exhibit 38</p> <p>17 marked for identification.)</p> <p>18 QUESTIONS BY MR. FARRELL:</p> <p>19 Q. I'm going to mark as</p> <p>20 Exhibit 38, it's 2016_04_04. This is another</p> <p>21 amicus brief. This one is Masters</p> <p>22 Pharmaceutical.</p> <p>23 Does McKesson acknowledge that</p> <p>24 in 2016 when this amicus brief was submitted</p> <p>25 that it was still on the executive committee</p>



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1 QUESTIONS BY MR. FARRELL:

2 Q. Do you agree that filling  
3 suspicious orders is a direct and proximate  
4 cause of prescription opioid abuse,  
5 addiction, morbidity and mortality?

6 MS. HENN: Objection to form.

7 THE WITNESS: Filling specific  
8 orders?

9 MS. HENN: Suspicious orders is  
10 the word he used.

11 THE WITNESS: Suspicious  
12 orders.

13 There's a lot of reasons for --  
14 that orders may get flagged as  
15 suspicious, so I think it depends.

16 QUESTIONS BY MR. FARRELL:

17 Q. That's fair.

18 A. They'll get flagged as an order  
19 of unusual size, frequency or pattern and not  
20 mean that it's suspicious or  
21 diversion-related.

22 Q. Do you believe the prescription  
23 opiate epidemic is an immediate hazard to  
24 public health and safety?

25 MS. HENN: Objection to form.

Highly Confidential - Subject to Further Confidentiality Review

Page 366

1 THE WITNESS: How do you -- how  
2 are you defining "immediate hazard"?  
3 QUESTIONS BY MR. FARRELL:  
4 Q. A hazard.  
5 A. A hazard?  
6 Sure.  
7 MR. FARRELL: Okay. We will  
8 adjourn with the reservation of rights  
9 for one day, continuing the subject  
10 matters that most interest the  
11 plaintiffs in the MDL in the 30(b)(6)  
12 notices.  
13 MS. HENN: And, I mean, we will  
14 object to continuing past the limit  
15 set by the Court. We feel that there  
16 was a lot of time today that was spent  
17 asking legal questions that could have  
18 been spent on topics.  
19 MR. FARRELL: There was also a  
20 lot of time spent reading documents  
21 that were listed in my 30(b)(6).  
22 MS. HENN: Documents that you  
23 put in front of the witness and wanted  
24 him to read.  
25 But more importantly, I wanted

Page 367

1 to ask the court reporter to please  
2 designate this transcript  
3 provisionally highly confidential,  
4 which is required under the deposition  
5 protocol, and I also wanted to reserve  
6 the right to read and sign.  
7 I have no questions, and so I  
8 think we are finished.  
9 VIDEOGRAPHER: Okay. The time  
10 is 5:47 p.m., July 31, 2018. Going  
11 off the record completing today's  
12 videotaped session.  
13 (McKesson-Hartle Exhibit 40  
14 marked for identification.)  
15 (Deposition concluded at 5:47 p.m.)  
16 -----  
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Page 368

1 CERTIFICATE  
2  
3 I, CARRIE A. CAMPBELL, Registered  
4 Diplomat Reporter, Certified Realtime  
5 Reporter and Certified Shorthand Reporter, do  
6 hereby certify that prior to the commencement  
7 of the examination, Nathan J. Hartle was duly  
8 sworn by me to testify to the truth, the  
9 whole truth and nothing but the truth.  
10 I DO FURTHER CERTIFY that the  
11 foregoing is a verbatim transcript of the  
12 testimony as taken stenographically by and  
13 before me at the time, place and on the date  
14 hereinbefore set forth, to the best of my  
15 ability.  
16 I DO FURTHER CERTIFY that I am  
17 neither a relative nor employee nor attorney  
18 nor counsel of any of the parties to this  
19 action, and that I am neither a relative nor  
20 employee of such attorney or counsel, and  
21 that I am not financially interested in the  
22 action.  
23  
24 CARRIE A. CAMPBELL,  
25 NCRA Registered Diplomat Reporter  
Certified Realtime Reporter  
California Certified Shorthand  
Reporter #13921  
Missouri Certified Court Reporter #859  
Illinois Certified Shorthand Reporter  
#084-004229  
Texas Certified Shorthand Reporter #9328  
Kansas Certified Court Reporter #1715  
Notary Public  
Dated: August 3, 2018

Page 369

1 INSTRUCTIONS TO WITNESS  
2  
3 Please read your deposition over  
4 carefully and make any necessary corrections.  
5 You should state the reason in the  
6 appropriate space on the errata sheet for any  
7 corrections that are made.  
8 After doing so, please sign the  
9 errata sheet and date it. You are signing  
10 same subject to the changes you have noted on  
11 the errata sheet, which will be attached to  
12 your deposition.  
13 It is imperative that you return  
14 the original errata sheet to the deposing  
15 attorney within thirty (30) days of receipt  
16 of the deposition transcript by you. If you  
17 fail to do so, the deposition transcript may  
18 be deemed to be accurate and may be used in  
19 court.  
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